

**Jail Overcrowding – A Serious Problem  
Requiring Comprehensive Solutions**

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**COURT JAIL CROWDING PREVENTION  
AND RESPONSE CHECKLIST**

**State Court Administrative Office**

# COURT JAIL CROWDING PREVENTION AND RESPONSE CHECKLIST

## GENERAL

- Time Standards
  - Set goal to comply with time standards (90% of cases adjudicated within 91 days of bindover)
- Establish good data
  - Who's in jail
  - Who put them there
  - Why are they there (sentenced v. unsentenced)
  - How long will they be there
- Contact National Institute of Corrections (www.nicic.org)
  - Request free jail consultation
  - Consider grant proposals
- Give cases of incarcerated defendants priority in scheduling
  - Establish methods for differentiated scheduling
  - Establish criteria, i. e. felony vs. misdemeanor, etc.

## PRETRIAL

- Bond Practices
  - Reasonable amounts set
  - Adequate information to judge at time of setting bond to determine need for incarceration
  - Credit cards accepted – other easy payment methods
  - Review cases after bond setting
    - Has bond been posted?
    - Can bond be adjusted?
- Time to Pretrial
  - Can time from arraignment to pretrial be expedited
  - Can pleas be taken earlier in the process
    - Can felony pleas be taken at the district court
  - Combine arraignment and pretrial into a single event
- Pretrial Alternatives
  - Tether or house arrest programs
  - Treatment programs in lieu of jail
- Evaluate Prosecutors' charging and plea bargaining practices
  - Encourage timely plea negotiation
  - Encourage thorough and realistic analysis of cases prior to charging
- Evaluate docket allocation
  - Are there enough judges assigned to criminal dockets
  - Do temporary changes in dockets need to be made to alleviate backlog

## POST TRIAL

- Time to Sentence
  - PSI practices – can they be expedited
- Sentencing Practices
  - Reasonable in light of charge and criminal history
  - Evaluate individual judges use of jail beds
    - Determine any problematic trends
    - Consider a bed rationing program
    - Evaluate practices regarding probation violators

## FUNDING UNIT ISSUES

- Schedule regular stakeholders meetings
  - Circuit judges
  - District judges
  - County commissioners
  - County administration
  - Court administration
  - Department of Corrections
  - Sheriffs
  - Prosecutors
  - Public Defenders
  - Defense Bar
  - Pretrial Services Dept
  - Community Corrections Dept
  - Mental Health Dept
- Grant Activity
  - Communicate with law enforcement regarding new grants that may affect jail use, e.g. domestic violence, drug enforcement
  - Become involved early to request that resources are planned for cost of jail use, and include in grant if possible
- Is jail facility adequate
- Is staffing at all levels of the criminal justice process adequate
  - court, psi services, jail, etc.
- Determine daily cost of incarceration for prisoners locally
  - Compare to cost of housing prisoners in other counties
  - Can this be used as an alternative to release and in lieu of building new jail space
- Public Relations
  - Communicate with public via media in advance of early releases or use of alternatives for re-assurance
  - Ensure that public is aware of resource needs for pretrial detention and sanctions